

COUNTY OF LINCOLN

New Mexico Regular Meeting Board of County Commissioners

Preston Stone, Chair
Dallas Draper, Vice Chair

Thomas F. Stewart, Member
Elaine Allen, Member
Lynn Willard, Member

Minutes Tuesday, June 28, 2016

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on June 28, 2016 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

1. Call to Order

Chair Stone called the Regular Meeting of the Board of County Commissioners to order at 8:30 AM.

2. Roll Call

Roll Call.

Present: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper.

Others present included Nita Taylor, County Manager; Alan Morel, County Attorney; and Rhonda Burrows, County Clerk.

3. Invocation

The invocation was presented by Chair Stone.

4. Pledge of Allegiance

- a. Pledge – US Flag
- b. Salute – NM Flag

5. Approval of Agenda

Motion: Acceptance of the Agenda and authorized the Chair to move items as necessary,
Action: Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Commissioner Stewart requested he be excused for a time during the Regular Commission Meeting to attend a meeting of the Green Tree Solid Waste Authority.

Nita Taylor, County Manager requested approval to remove item 7(e) The Approval of Contracts for Senior Services from the Consent Agenda for consideration as Item 25(a) relating directly to Senior Services matters.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

6. Approval of Minutes

- a. May 2, 2016 - Special Commission Meeting
- b. May 17, 2016 - Regular Commission Meeting
- c. June 2, 2016 - Special Commission Meeting

Motion: Approve the minutes of the May 2, 2016 Special Meeting; the May 17, 2016 Regular Meeting; and the June 2, 2016 Special Meeting;

Action: Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper.

7. Approval of Consent Agenda

- a) Payroll/Accounts Payable/Budget/ Expenditures
- b) Treasurer's Financial Report for the Month ending May 31, 2016
- c) Approval of Land and Water Well Agreement – Carrizozo Municipal Schools
- d) MOU Between the Village of Ruidoso and Lincoln County as the Administrative Authority for Lincoln County Sheriff's Office for Driving while Intoxicated Prevention Enforcement Activities & Reimbursement of Costs
- e) Approval of FY16-17 Contracts Between the County of Lincoln and North Central New Mexico Economic Development District: Non-Metro Area Agency on Aging:
 - i. Direct Purchase of Services
 - ii. Nutrition Service Incentive Program (NSIP)
 - iii. Senior Employment Program

Motion: Approval of the Consent Agenda as presented except Item 7(e), **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Commissioner Stewart questioned the status of Lincoln County's request for the New Mexico Finance Authority (NMFA) to intercept the Environmental Gross Receipts Tax (EGRT) payment.

Alan Morel, County Attorney informed he sent two separate letters to NMFA requesting they intercept Lincoln County's Environmental Gross Receipts Tax (EGRT) for direct repayment of an NMFA loan granted to Greentree Solid Waste Authority. Attorney Morel stated he received no reply to the requests but suggested the County consider direct payment of the EGRT tax to NMFA as the tax was legally pledged to repayment of the GSWA loan.

There was discussion with various department heads regarding expenditures presented for payment.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper.

SEE EXHIBIT A: Copies of Consent Items are attached hereto in reference thereto made a part hereof.

8. Discussion and Possible Direction Regarding NM Department of Cultural Affairs' Proposed Reorganization of Historic Sites: Lincoln and Ft. Stanton

Nita Taylor, County Manager informed on May 25, 2016 the New Mexico Department of Cultural Affairs (DCA) presented a reorganization plan for the New Mexico Historic Sites Division. Ms. Taylor stated the reorganization plan called for a Reduction in Forces (RIF) of current site managers including elimination of manager positions at the Lincoln Historic Site and the Fort Stanton Historic Site. Ms. Taylor stated plans were for a Regional Manager to assume the duties for these sites.

Ms. Taylor presented letters and comments from local residents and informed she, Commissioner Allen and other local representatives attended a meeting with Cabinet Secretary Victoria Gonzales to discuss the impact of the eliminated positions on the local tourist industry as well as the preservation of these important sites.

Ms. Taylor reported the meeting focused on DCA's projected \$2.1 million deficit for Fiscal Year 2017 which necessitated the management revisions. Ms. Taylor stated the proposed reorganization identified a reduction from 12 employee positions to 10 employee positions for the two sites in Lincoln County.

Ginger Moore, past resident of Lincoln Historic District and active volunteer on both the Preservation Board and the Friends of Historic Lincoln Boards presented copies of thirty six letters requesting the Department of Cultural Affairs reconsider the plan to eliminate site manager positions in Lincoln and Fort Stanton. Ms. Moore directed particular attention to a letter from Antonio Baca, Retired Director of the New Mexico Historic Sites and Michael Romero Taylor a Former Director of New Mexico Historic Sites urging Secretary Veronica Gonzales to reconsider the plan. Ms. Moore noted there were numerous letters from historians including a letter from local historian Lynda Sanchez requesting the Lincoln County Board of County Commissioners

submit a strongly worded letter requesting a stay of the proposal to eliminate seven of eleven total site managers within DCA. Ms. Moore additionally provided copies of fact sheets, accumulated data, and newspaper articles supporting the importance of both sites.

Commissioner Stewart was excused from the meeting at 8:57 AM.

Steve Duffy, Interim President of Fort Stanton, Inc. informed he had attended the meeting with Secretary Gonzales to express the group's concerns about the proposed reduction in staffing. Mr. Duffy reminded the plan was still being developed with a State Personnel Board Hearing on the matter set for July 21, 2016. Mr. Duffy expressed belief interested parties would have time to respond to the final recommendations. Mr. Duffy noted any changes proposed might provide opportunities for additional collaboration of the community organizations which support the two historic sites.

Ms. Moore thanked Manager Taylor and Commissioner Allen for attending the recent meeting with Secretary Gonzales. Ms. Moore added to her earlier comments additional information regarding the economic impact of tourism associated with Historic Lincoln. Ms. Moore stated there were 35,000 paid museum fees last year in Historic Lincoln. Ms. Moore suggested there were an equal number of visitors who do not pay the tour fee and estimated the site received approximately 60,000 visitors per year. Ms. Moore conservatively estimated expenditures for meals, lodging and other sundries associated with these visitors would exceed \$6 million dollars annually.

Paulita Eliza Padilla Sanchez Chavez stated her ancestors were among the first to settle in Lincoln. Ms. Chavez, speaking on behalf of the Hispanic community, expressed support for the organizations present who preserve the history of Lincoln and Lincoln County.

Herb Marsh, resident of Lincoln provided information regarding current and past staffing problems. Mr. Marsh pointed out the proposed reductions in staffing would not be so onerous if the sites were currently fully staffed but as they were currently several unfilled positions, further reductions would impose an unfair burden on the community volunteer groups. Mr. Marsh noted while DCA proposed to reduce staffing in Lincoln County the proposal also included the creation of two new positions in Santa Fe and Albuquerque.

Becky Borowski, resident of Lincoln spoke about the international complement of visitors who visit Lincoln each year and the benefits of having such a site to both the County and State of New Mexico.

10. 9:30 AM: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS

Beverly Calaway, Treasurer reported Lincoln County received the 2016 Payment in Lieu of Taxes (PILT) in the amount of \$1,738,123 last week. Ms. Calaway stated the payment increased by \$42,128 over last year's payment. Ms. Calaway noted the remittance indicated the total acres of federal land utilized to calculate the PILT payment amount. Ms. Calaway stated the Treasurer's office noticed the total acreage referenced had declined since 2013 by approximately five sections and they would work with the Assessor's office to research this decline in total acreage.

Ms. Calaway reported the NM Property Tax Division set a delinquent tax sale in Lincoln County for July 27, 2016. Ms. Calaway stated her staff would continue to research and contact owners in an effort to collect delinquent taxes prior to the sale.

Jim Camper, Cedar Creek resident expressed concern about the lack of onsite slash pick up since Lincoln County assumed solid waste collection. Mr. Camper stated since the discontinuation of the slash pick up service, slash piles had begun to accumulate in the Cedar Creek area. Mr. Camper expressed belief many part time residents were unaware the service was no longer available or they did not possess the equipment to self-haul slash to Sierra Contracting's site.

8. Discussion and Possible Direction Regarding NM Department of Cultural Affairs' Proposed Reorganization of Historic Sites: Lincoln and Ft. Stanton (continued)

Commissioner Allen expressed appreciation for Representative Nora Espinoza's assistance in facilitating the meeting with Secretary Gonzales. Commissioner Allen stated the meeting was very informative and the Secretary expressed genuine concern about the historic sites. Commissioner Allen stated Senator Burt was also involved in discussions which was helpful as he serves as a member of the Senate Finance Committee. Commissioner Allen stated she also spoke with Lieutenant Governor John Sanchez who offered to meet with local residents to hear their concerns. Commissioner Allen stated the Lieutenant Governor was aware of the economic impact of these historic sites and the need to market tourism in New Mexico.

Commissioner Allen informed the Department of Cultural Affairs (DCA) was in the process of creating a long term strategic plan for the first time to guide the department over the years. Commissioner Allen suggested reviewing the plan once released, pursuing a relationship with DCA to educate them about the importance of these two sites, and working to educate legislators about the needs of these two sites.

Commissioner Willard informed the interim Legislative Finance Committee was set to meet July 27th and 28th in Ruidoso. Commissioner Willard stated a discussion of the long term financial plan for the Department of Cultural Affairs was on the agenda. Commissioner Willard urged all concerned residents and organizations to attend the meeting.

Chair Stone expressed appreciation for the Manager's involvement and representation on behalf of the County. Chair Stone suggested the County have representation present at the State Personnel Board Hearing to consider the Reduction in Force proposed by DCA.

There was a general consensus to write Governor Martinez and express support for the continued staffing of the historic sites in a positive manner. Ms. Taylor suggested inclusion of Lincoln County's intention to have representation at the Personnel Board Meeting.

9. Forest, Land & Natural Resources Matters:

a) Smokey Bear Ranger District

Ms. Taylor reported Ranger Noel was not in attendance today. Ms. Taylor reported the Smokey Bear Ranger District had granted an "Opportunity to Comment" on the Diamond Peak Pipeline Project. Ms. Taylor informed the project would extend the water distribution system on the Diamond Peak allotment to provide wildlife and livestock with reliable water in an area where none currently exists.

b) Cibola National Forest

Ms. Taylor reported the Cibola National Forest Plan Revision process was proceeding in Phase II – Revision. Ms. Taylor stated the landscape teams submitted preliminary comments to the Preliminary Draft Land and Resources Management Plan last week. Ms. Taylor stated the Lincoln County Land and Natural Resources Advisory Committee (LANRAC) was becoming more involved in the Forest Plan Revision process.

Robert Barber, member of LANRAC stated the committee continued to pursue involvement in the Cibola Forest Plan Revision. Mr. Barber stated the committee also received a document related to nonnative weed management in Lincoln County. Mr. Barber informed the Lincoln National Forest was preparing for an environmental impact study and the committee would submit comments on that process to the Board of County Commissioners. Mr. Barber anticipated LANRAC would also participate in the public hearings and process for the Lincoln National Forest Plan Revision.

Ms. Taylor provided information on the North Fire and the Dog Head Fire, the two major fires currently burning in the Cibola National forest.

Joe Kenmore, Director of the Office of Emergency Services provided additional details on the fires noting 12 permanent structures and 24 out buildings were lost in the Dog Head Fire. Mr. Kenmore discussed the Cibola's tactic to utilize the lightning ignited North Fire as a "managed fire" encouraged to grow under containment.

c) New Mexico State University Range Improvement Task Force

Ms. Taylor discussed the interdisciplinary team of range scientists, ecologists, wildlife experts, agricultural economists and livestock specialists which provides information for use in resolving resource management conflicts. Ms. Taylor stated Nicolas Ashcroft, Rangeland Management Specialist played a particularly important role in assisting Lincoln County in understanding the importance and use of scientific data by governmental agencies and allotment owners.

Chair Stone discussed the role of Nick Ashcroft and the NMSU Range Improvement Task Force as instrumental in assisting Cibola grazing allotment permittees to achieve reinstatement of their grazing rights. Chair Stone requested Lincoln County consider writing a letter of support of a tenured position for Mr. Ashcroft acknowledging his valuable assistance.

Motion: Direct the Manager to write a letter to President Carruthers of NMSU in support of Nicolas Ashcroft, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Willard.
Vote: Motion carried by unanimous vote (summary: Yes = 3).
Yes: Chair Stone, Commissioner Allen, Commissioner Willard.
Absent: Commissioner Draper, Commissioner Stewart.

d) Community Forester

Rick Merrick, Community Forester with South Central Mountain RC and D informed both the Cedar Creek Non-Federal Land (NFL) and Lincoln County Cost Share thinning programs for the fiscal year were both completed. Mr. Merrick stated an application was submitted for additional funding for the cost share program but Lincoln County was not awarded funding for the next cycle. Mr. Merrick stated applications were also submitted for three new NFL projects and expressed optimism about possible funding.

Mr. Merrick reported the decline in attendance for the Eastern New Mexico University Speaker Series had prompted the formation of a steering committee to consider restructuring the program to increase attendance.

Mr. Merrick reported after a meeting with State Land Commissioner Aubrey Dunn concerning a prescribed burn on Alto Mesa a decision was made to masticate slash piles rather than to conduct a prescribed burn.

Mr. Merrick discussed the planned acquisition by South Central Mountain of an air curtain incinerator and the planned utilization to assist Lincoln County residents with slash disposal.

Ms. Taylor questioned if the agency had plans for staffing the air curtain incinerator.

Mr. Merrick discussed the problem of utilizing volunteers due to conflict with regular work schedules.

e) Upper Hondo Soil & Water Conservation District

Ms. Taylor stated Laura Johnson, Program Director was unable to attend but had provided a report of activities including a map and list of roads sprayed for the noxious weed program. Ms. Taylor noted Ms. Johnson's report included notice of an additional grant award of \$15,000 for the treatment of thistle on the Rio Bonito.

Chair Stone requested the Manager submit a request to the organization for treatment of cockleburrs along Patos Road.

f) Office of State Engineer-Water Issues

Ms. Taylor stated she had trouble accessing the State Engineer's website but to her knowledge no new water rights transfers were posted.

Chair Stone recessed the Regular Meeting at 10:15 AM and reconvened at 10:25 AM.

11. Fiscal Years 2018 - 2022 Lincoln Infrastructure Capital Improvement Plan

Ms. Taylor reminded the Infrastructure Capital Improvement Plan (ICIP) was continually evolving as projects were being completed, new projects identified, and/or circumstances required additional infrastructure. Ms. Taylor provided a copy of the ICIP adopted last year and noted the annual process typically began with a review of the prior year's list. Ms. Taylor discussed Capital Outlay awards to various agencies in Lincoln County this year amounting to \$1,083,200 which was less than one half of the prior year's awards. Ms. Taylor stated discussion and review of the ICIP was planned for this month's meeting as well as in July with final approval during the August meeting.

Ms. Taylor stated the expansion and or renovation of the Lincoln County Detention Center continued to be one of Lincoln County's top priorities. Ms. Taylor reminded Lincoln County received a 2014 Legislative Capital Appropriation of \$161,370 or use in the remodel of the Detention Center. Ms. Taylor stated this funding allotment carried a revision date of June 2018. Ms. Taylor stated it was necessary to identify and complete a "stand-alone" portion of the larger project such as a renovation of the medical facilities in order to utilize this funding.

Ms. Taylor reminded Bob Calvani of NCA Architects designed the current Detention Center including preliminary plans for expansion options and he was present to discuss those options.

a) Expand Detention Center – Presentation by John Calvani, Architect

Mr. Calvani presented drawings, details and preliminary cost estimates for five potential areas for expansion of the current detention center. Mr. Calvani stated after meeting with the County Manager and Detention Center staff the redesign of the medical suite was identified as the current priority. Mr. Calvani estimated the cost of construction of a new medical suite as \$570,000. Mr. Calvani discussed various other options for expansion or renovation of the facility and the associated costs and benefits of each option.

There was a general discussion of current staffing problems, options to assist with better management of detainees, and a request from the warden for a new sally port for the transport of detainees.

Ms. Taylor supported the prioritization of the remodel of the medical suite and suggested prioritizing other renovations for inclusion on the ICIP.

Commissioner Willard expressed support for the remodel of the medical suite and for including the project on the current ICIP.

Commissioner Allen concurred but also suggested the continued listing of the construction of a new hospital on the ICIP.

16. Solar Energy Solution for Lincoln County Detention Center – Presentation by Wayne Stansfield

Ms. Taylor stated she was contacted by Solar Energy Solution regarding potential Lincoln County owned sites optimal for possible solar energy power installation. Ms. Taylor stated Wayne Stansfield identified the Lincoln County Detention Center as a possible site, reviewed the electric utility bills for the past year and developed a presentation for consideration of utilizing solar energy.

Mr. Stansfield of Affordable Solar in Albuquerque discussed the firm's background and recent business installations. Mr. Stansfield detailed the process to assess potential offsets from implementation of solar energy for a facility and estimated a solar installation at the Detention Center would provide approximately 68% of the current energy usage. Mr. Stansfield discussed power purchasing agreements which would require no capital expenditure, no operating and no maintenance costs from the County. Mr. Stansfield estimated a potential cost savings of \$4500 to \$2600 annually depending on the financing agreement. Mr. Stansfield explained there were a number of investors who provide capital funding for these projects for a specific rate of return and energy credit offsets.

Mario Romero, General Manager for Otero County Electric discussed the role of the electrical Co-Op in the implementation of similar projects. Mr. Romero stated approximately 900 metered customers of 1900 total customers were utilizing some type of solar energy option in addition to standard electrical service. Mr. Romero discussed the effects of these arrangements on long term costs and rates for the Co-Op membership.

There was a general discussion of various financial arrangements, liability for damages to equipment, and other related issues.

12. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims

Mr. Annala presented the Safety Net Care Provider Pool claims for approval. Mr. Annala processed 18 claims with 17 recommended for approval and 1 recommended for disapproval for a monthly authorization of \$10,033.25. Mr. Annala stated approval of the claims would result in a total annual approval of Safety Net Care Pool claims for Fiscal Year 2015-2016 of \$209,265 or a monthly average of \$17,439.

Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala processed 9 claims with 7 claims recommended for approval and 2 for disapproval for a total payment this month of \$12,388.43. Mr. Annala stated approval of the claims would result in a total expenditure for Fiscal Year 2015-2016 of \$83,928 or a monthly average of \$6,994.

Motion: Approval and denial of the claims as indicated for the Safety Net Care Pool and Indigent Health Care as recommended, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 3).

Yes: Chair Stone, Commissioner Allen, Commissioner Willard.
Absent: Commissioner Draper, Commissioner Stewart.

a) Authorization to forward FY 2012-2013 Invoice to Lincoln County Medical Center for payment

Mr. Annala additionally requested approval of a sole community provider claim for services provided on June 27, 2013. Mr. Annala stated the claim total was \$3,128 of which \$2,408.56 is recommended for approval.

Commissioner Willard clarified there was no actual payout from Lincoln County for this claim.

Mr. Annala confirmed the approval would simply increase the total amount of Sole Community Provider claims approved for the fiscal year.

Motion: Approve the 2013 Sole Community Provider claim, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Chair Stone, Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper, Commissioner Stewart.

SEE EXHIBIT B: Copies of the Safety Net Care Pool and Indigent Health Care Payments are attached hereto in reference thereto made a part hereof.

13. Manager's Report

1. **Annual Audit:** The review for Fiscal Year 2016 was scheduled for July 11, 2016 with auditors on site that week. The Manager invited one or two Commissioners to attend the Audit Entrance Interview in addition to staff and the auditors.
2. **NMAC Annual Conference:** The Manager stated elected officials and staff attended the conference in Hobbs beginning on June 22, 2016. The Manager stated NMAC would solicit requests for proposals (RFP) from counties to host the conference in the future and reported several participants expressed interest in Lincoln County. The Manager stated she would bring the matter back to the Commission for consideration when the RFP was issued.
3. **Workers Compensation Pool Board Meeting:** The Manager reported on her attendance at the Workers Compensation Board Meeting representing Lincoln County. The Manager provided copies of the packet received containing information about trends over the years, loss ratios, a breakdown of loss by department, claim causes, and associated costs. The Manager stated the highest number of claims were related to animal or insect injury and the highest costs per claim were related to lifting.
4. **Solid Waste Collection Services - Glencoe Compactor Site:** The Manager reminded of prior direction and approval to relocate the compactor from the current Glencoe Site to County-owned property next to the Glencoe Fire Station. The Manager discussed the estimated costs and the required work by the Road Department to relocate to the new adjacent site. The Manager stated after reevaluation she recommended leaving the compactor in its current location and requested authority to enter into a lease arrangement with the current owner of the property.

Commissioner Willard stated he met with the current site owner, Dennis Nosker, at the location. Commissioner Willard stated there were multiple impediments to moving the compactor site over to the County owned property and Mr. Nosker was willing to work with the County to make the current site more accessible in exchange for continued solid waste services for his immediate family.

Motion: Enter into agreement with current owner of Glencoe Compactor Site, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Chair Stone, Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper, Commissioner Stewart.

Commissioner Stewart returned to the meeting at 11:55 AM.

5. Calendar of Events:

- a. July 4: County Holiday
- b. July 11 -14: Auditors in the House
- c. July 19: Commission Meeting
- d. July 21: State Personnel Board Hearing for Department of Cultural Affairs
- e. July 21: Lincoln Historic Preservation Board meeting
- f. July 27-28: Legislative Finance Committee to meet in Ruidoso (DCA)
- g. July 22-30: Manager on vacation

Commissioner Allen informed she planned to attend the State Personnel Board Hearing in Santa Fe along with the County Manager.

6. The Manager reported the NMAC Assessor's Affiliate had approached Yovanne Lucero, currently Lincoln County's Chief Deputy Assessor, with plans to issue a strong recommendation on behalf of Ms. Lucero to the Cabinet Secretary of the New Mexico Department of Taxation and Revenue to fill the currently vacant position of Property Tax Direct. The Manager noted this was an excellent opportunity for Ms. Lucero and questioned if the Commissioners wished to provide a letter of recommendation.

Motion: Send a letter of recommendation for appointment of Yovanne Lucero to the position of Director of the Property Tax Division, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.

Paul Baca, County Assessor reported the John Monforte, Deputy Secretary of the Department of Taxation and Revenue spoke to the Assessor's Affiliate in Hobbs. Mr. Baca stated Deputy Secretary Monforte acknowledged under the direction of the prior Director of the Property Tax Division (PTD) a disconnect existed between PTD and the Assessors. Mr. Baca stated belief the Deputy Secretary was extending the Assessor's Affiliate an opportunity to submit a recommendation for an individual who would restore communication and the important relationship between PTD and Assessors. Mr. Baca reminded Ms. Lucero had worked for PTD for three years and had very strong support among her fellow assessors.

Beverly Calaway, Treasurer spoke in support of Ms. Lucero as an excellent candidate for the position.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper.

Chair Stone recessed the Regular Meeting at 12:02 PM and reconvened at 1:00 PM.

Chair Stone recessed the Regular Meeting and convened the Public Hearing at 1:01 PM.

17. **1:00 P.M. Public Hearing to consider possible rate increases amending Resolution 2008- 42, a Resolution setting fees to be charged for the Efficient and Sanitary Collection of Solid Waste in Lincoln County by Resolution 2015-45, Pursuant to Ordinance 2016-01**

Ms. Taylor informed Lincoln County Ordinance 2016-01 adopted on March 15, 2016 empowered the Board of County Commissioners to establish, amend, change and or alter the system of fees for solid waste collection by adoption of a Resolution. Ms. Taylor stated the Ordinance further provided authority to file a lien upon the tract or parcel of land being served.

Ms. Taylor presented the proposed Resolution 2015-45 to establish the fee schedule as follows:

Polycart Residential Service	\$ 18.95 per month
Extra Residential Polycart Service	\$ 8.10 per month
Residential Service	\$ 17.95 per month
Administrative Fee for Filing of Lien	\$100.00
Administrative Fee for Filing Release of Lien	\$100.00

Ms. Taylor stated the proposed fees for Polycart Residential Service, Extra Polycart Residential Service, and Residential Service were unchanged from the prior Resolution 2008-2 adopted on May 29, 2009. Ms. Taylor noted on January 1, 2015 when Lincoln County assumed the solid waste billing there was no known way to identify those specific residents who were receiving Polycart services. Ms. Taylor stated the information was now available and the County would adjust the billing for those accounts appropriately.

Commissioner Willard questioned if revenues from current fees were sufficient to meet the costs for services.

Ms. Taylor stated staff continued to review the income to cost ratio and anticipated presentation of more accurate data at the end of the Fiscal Year in June after six months of service.

Attorney Morel stated adoption of the Resolution today would provide authority to charge a fee to file liens on properties for approximately 377 unpaid accounts.

Chair Stone questioned the timing of adjustments to the billing for Polycart service and whether a separate hearing was needed to authorize the increase.

Ms. Taylor clarified both Resolution 2008-42 and the current Resolution provided authority for the increased charge for Polycart service but the County had not billed the increased fee to date due to a lack of method to identify these accounts. Ms. Taylor anticipated the next quarterly billing for services would reflect the previously adopted Polycart fee.

Rhonda Burrows, Clerk questioned the dispensation of the filing fee for liens and lien releases and suggested an appropriate portion for filing the fee be dedicated to the Clerk's Recording Fee fund.

Attorney Morel stated technically the County was not required to pay to file County documents but noted there were various administrative actions, preparation and attorney fee costs associated with the preparation and filing of liens or releases.

Commissioner Willard questioned how the County would receipt the proposed \$100 fee.

Ms. Taylor stated there was no current determination for dispensation of collected fees.

Beverly Calaway, Treasurer stated currently the Treasurer's office charged a \$25 fee for to place a lien on delinquent mobile home registrations. Ms. Calaway stated this \$25 lien fee was deposited into the Treasurer's budget to offset equipment purchases.

Attorney Morel stated attorney costs could easily consume the full \$100 fee but stated it was possible to train County staff to prepare and file the liens to avoid ongoing attorney costs.

Punkin Schlarb, Finance Director stated it was her impression from prior discussions any fees collected would revert to the Solid Waste budget to offset expenses.

Commissioner Stewart suggested imposition of a larger lien fee such as \$500 to offset costs and to draw more significant attention to past due accounts. Commissioner Stewart also questioned at what point in the billing process would imposition of the lien take place.

Attorney Morel suggested an annual review and determination of accounts in arrears for presentation to the Board of County Commissioners for approval to file liens. Attorney Morel suggested \$100 was a reasonable and recognized fee for filing of liens.

Ms. Calaway stated the County also had the option to notify any primary lien holder such as a mortgage company of liens filed. Ms. Calaway stated often mortgage companies would require owners to satisfy secondary liens to prevent the cancellation of a mortgage.

Attorney Morel reminded the Lincoln County Alarm Ordinance defined a \$100 filing fee for liens for violation of that particular ordinance.

Chair Stone requested further public comment, receiving none adjourned the Public Hearing and reconvened the Regular Meeting at 1:26 PM.

Motion: Adopt Resolution 2015-45 as presented, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper.

SEE EXHIBIT C: Copy of Resolution 2015-45 is attached hereto in reference thereto made a part hereof.

Beverly Calaway, Treasurer requested a review of Lincoln County's Fee Resolution to improve standardization of fees such as lien fees charged by various departments.

13. Manager's Report (continued)

7. Departmental Updates:

- a) **Joel Bonnell, Road Superintendent** informed the chip seal project on Cora Dutton Road and the deep pavement patch project on Gavilan Canyon were complete. Mr. Bonnell reported on some minor road damage in the County due to recent rains. Mr. Bonnell stated the department still had vacancies for operators and would continue to seek applicants to fill those positions.
- b) **Billie Jo Guevara, Administrative Assistant and Human Resources** stated employees were hired or promoted to fill three of the Road Department's Operator IV positions.
- c) **Renee Montes, Director Senior Services** informed senior services were exceeding annual goals for the number of meals provided and transportation within budget. Ms. Montes reported new equipment was purchased for the new Carrizozo Senior Center and the department was able to acquire some additional new equipment for other sites. Ms. Montes informed the Hondo Senior Center received grant funding for a remodel and the department would seek bids for the work. Ms. Montes also stated she was approached by Goodwill Industries about participating in a work training program to train older individuals to work in the private sector.
- d) **Joe Kenmore, Director Office of Emergency Services** reported on several recent lightning strike fires. Mr. Kenmore reported the Lincoln County Mobile Command Post was currently supporting operations in Ruidoso Downs during some roof work there. Mr. Kenmore reported topics for the Emergency Services Affiliate included a discussion of the proliferation of flashing red lights on non-emergency vehicles and on the dangers of uncapped water wells. Mr. Kenmore requested the public report any known uncapped wells in Lincoln County to OES. Mr. Kenmore reported on his participation in the annual Amateur Radio Operators Field Day which he described as an effort to maintain communications over a 24 hour period. Mr. Kenmore discussed the status of various repeaters including the tower on Carrizo Mountain and the need to link the Hondo repeater to the Capitan site to improve performance.
- e) **Punkin Schlarb, Finance Director** stated staff were working to prepare for the upcoming audit and noted the County was two days from budget closing for this fiscal year. Ms. Schlarb stated the Finance Affiliate received training from the NM Department of Finance and Administration's mileage expert and also worked with NM Edge to develop a Finance Curriculum.

18. Carrizozo Senior Center: Consideration of Additional Costs and Timeline Delays

Ms. Taylor reminded of a prior request and approval for a change order for an estimated \$9,636.68 to relocate the existing gas main, modify the plumbing rough in, add a sidewalk drain and extend the substantial completion date to July 31, 2016.

Ms. Taylor stated since the approval of the first change order six additional changes were identified with architect Wilson and Company and contractor Roper Construction in agreement as to the necessity of the requested changes. Ms. Taylor stated initially estimated costs for these additional changes was \$33,825.08. Ms. Taylor reported after a site meeting and review Howard Kaplan, Architect for Wilson and Company had informed some cost savings opportunities were identified. Ms. Taylor stated these changes were also accompanied by a request for an additional 30 day extension of the substantial completion date. Ms. Taylor stated further discussions were planned to finalize the scope, pricing, and responsibility of the parties.

Ms. Taylor provided additional project updates including agreement by the Town of Carrizozo to provide \$5000 towards the cost of sidewalk replacement; contractor Ryan Roper's offer to contribute additional work for repair of the sidewalk for a total cost of \$5000; the Town of Carrizozo's waiver of their \$1800 sewer hookup fee; and Otero County Electric's agreement to provide power to the site by approximately July 15, 2016.

Howard Kaplan, Senior Architect for Wilson and Company introduced Brandon Hensley, Regional Manager of Wilson and Company's Mechanical, Engineering, and Plumbing Department to discuss the proposed changes. Mr. Kaplan stated these changes "came to light" during the

course of construction as a result of several items which were not "clearly shown or enumerated" on drawings and specifications and therefore not included in the original bid by Roper Construction. Mr. Kaplan apologized for the situation and acknowledged Wilson and Company had a responsibility for the circumstances but noted the items identified were necessary for project completion. Mr. Kaplan stated they were working with Roper Construction and the subcontractors to obtain pricing for the change items. Mr. Kaplan further stated Wilson and Company would provide some financial relief directly to Lincoln County for their responsibility and to offset the non-competitive cost increases. Mr. Kaplan stated Wilson and Company would examine the potential increase in costs and suggested a reimbursement from Wilson and Company in the amount of approximately 10% of the total cost.

Mr. Hensley agreed with Mr. Kaplan's summary but clarified the newly identified items were primarily on the plumbing side of the construction design documents. Mr. Hensley acknowledged Wilson and Company should have exercised "more care" and therefore the company was willing to offset the change in cost for the "value added" items due to the noncompetitive pricing.

Commissioner Stewart opined a 10% reimbursement of the estimated \$33,000 in costs did not seem sufficient.

Mr. Kaplan stated had the items been clarified in the construction documents or had the contractor questioned the inclusion of the items during the bidding process, the contractor's bid would have included the costs in the base bid. Mr. Hensley stated a site visit and meeting with the contractor today helped to identify some cost "efficiencies" which would reduce the estimated increase in costs.

Chair Stone questioned how these significant necessities were not identified by the architect.

Mr. Hensley stated during the design process the firm was presented with new technologies for the kitchen hood requirement and were not sufficiently educated as to the necessary requirements to support system. Mr. Hensley stated there were some "grey areas" regarding the inclusion of some related information in Wilson and Company's contractual documents regarding this equipment. Mr. Hensley commented this was a point of contention between Wilson and Company and the general contractor which was addressed in their meeting today.

Chair Stone questioned if it was not the responsibility of the project architect to stay informed of changes during construction.

Mr. Hensley concurred but noted much of the information was included in the mechanical documents but not captured in the plumbing specifications and during the bid process the separate subcontractors did not review both plans. Mr. Hensley stated regardless of the assignment of responsibility the items were necessary to the project.

Chair Stone expressed frustration and disappointment about the increase in cost and the extension of the completion date.

Commissioner Willard questioned if Wilson and Company carried Errors and Omissions Insurance.

Mr. Kaplan stated belief the policy was only for catastrophic situations and this particular instance was less than the deductible threshold.

Commissioner Stewart discussed his prior history of working with Wilson and Company as the County Manager and stated he was often contacted for recommendations. Commissioner Stewart stated his response to any request for recommendation would change based on the current situation.

Mr. Hensley stated Wilson and Company would consider additional concessions to protect the firm's reputation.

Ms. Taylor reminded Lincoln County initially budgeted \$1.2 million including CDBG and Capital Outlay funding but the initial plans presented exceeded the budget. Ms. Taylor reminded Mr. Kaplan redesigned a smaller building in order to meet the budget requirement and the changes presented today would push the total project cost over budget. Ms. Taylor also questioned if the requested extension of 30 days was sufficient.

Mr. Roper stated the timeline was dependent on the final approval of the change order and when Roper Construction received permission to proceed. Mr. Roper discussed conflicting information on who provides the "approval to proceed" based on a conversation with Dora Bautista of the

Southeastern New Mexico Economic Development District who was overseeing the CDBG process.

Ms. Taylor stated she had clarified the process with DFA and Lincoln County had received permission to act on the prior change order.

Commissioner Willard expressed belief Lincoln County should not bear the costs of these necessary changes but rather Wilson and Company was responsible as a consequence of their failure to identify the problems prior to construction.

Mr. Hensley stated while there was some ambiguity regarding responsibility, the changes were necessary and Lincoln County would have incurred the costs regardless of the timing. Mr. Hensley acknowledged the offer of 10% to offset price escalation was not well received but stated he was not authorized to negotiate a settlement. Mr. Hensley stated he would discuss further concessions with Wilson and Company management to secure their relationship with Lincoln County.

Chair Stone recommended approval of the changes to move the already delayed project forward.

Commissioner Allen clarified a vote to approve the changes would not preclude negotiations with Wilson and Company as to financial responsibility.

Motion: Approve the changes as recommended with the associated time extension and continue discussion with Wilson and Company regarding financial responsibility, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper.

Mr. Roper requested authorization to complete the sidewalk repairs identified in the first change order and questioned who would provide reimbursement.

Ms. Taylor stated the Town of Carrizozo agreed to provide \$5000 towards the cost of the sidewalk construction. Ms. Taylor anticipated the Town of Carrizozo would provide the funding to Lincoln County directly and the County would then pay the contractor.

Motion: Authorize Roper Construction to construct a new sidewalk for the new Senior Center for \$5000 with the Town of Carrizozo to reimburse Lincoln County, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper.

There was further discussion regarding purchase of a required "value added" valve for the kitchen. Wilson and Company stated the cost quote for the original specified valve was excessive and agreed the contractor could purchase a valve which meets the same specifications immediately.

Mr. Roper expressed concern about the length of time for reimbursement of such purchases. Mr. Roper stated he had not submitted an invoice for the prior approved change order based on his understanding the New Mexico Department of Finance Authority (DFA) had to approve any change orders prior to Lincoln County issuing payment.

Punkin Schlarb, Finance Director discussed the process for payment of contractor invoices which does not require prior approval by associated entities and clarified if funds were budgeted the contractor invoices were paid in a timely manner.

Mr. Kaplan clarified the change order discussed today would be initiated by Wilson and Company after receiving revised quotes from subcontractors. Wilson and Company would then prepare the official "Change Order" for signature by their firm, Lincoln County and the subcontractor. Mr. Kaplan anticipated completion of this process by early next week.

Ms. Taylor noted DFA had delayed forwarding the final funding approval for the Community Development Block Grant based on the understanding additional changes affecting final costs were forthcoming.

14. Approval of Resolutions for FY 16/17 Local Government Road Fund Programs

a) Resolution 2015-42 CAP Local Government Road Program

- b) Resolution 2015-43 Cooperative Agreement
- c) Resolution 2015-44 School Bus Route Project

Ms. Taylor reminded of the prior approval during the February Regular Commission Meeting of letters of intent for submission to the New Mexico Department of Transportation for funding of projects through the Local Road Fund Program. Ms. Taylor noted the State funded 75% of the cost for approved projects with a required county match of 25%.

Ms. Taylor detailed the project descriptions all of which were for work on Gavilan Canyon Road also known as County Road D001.

Motion: Adopt Resolution 2015-42; Resolution 2015-43; and Resolution 2015-44, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper.

SEE EXHIBIT D: Copies of Resolution 2015-42; Resolution 2015-43; and Resolution 2015-44 are attached hereto in reference thereto made a part hereof.

13. Manager's Report (continued)

7. Departmental Updates:

- f) **Samantha Mendez, Ordinance Administration** informed she had attended a FEMA training to become an official Public Information Officer to assist the Office of Emergency Services. Ms. Mendez reminded she also serve as the County's grant writer and had prepared to grant requests for submission to the Hubbard Foundation related to funding for fire equipment.

10. 9:30 AM: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS (continued)

Commissioner Stewart reported on recent Joint Land Use Study committee actions to implement a self-reporting requirement of tower locations and heights to facilitate aviation safety.

Commissioner Stewart reported on actions taken during the Greentree Solid Waste Meeting he attended this morning including a vote to approve a new landfill personnel position. Commissioner Stewart discussed his motion which passed to pay the Village of Ruidoso their 2014 landfill dividend and to conduct a legal review of the old Joint Powers Agreement to determine the proper distribution of dividends. Commissioner Stewart reported the New Mexico Environmental Department had withheld licensure of the jointly owned landfill pending a repair of the leachate field. Commissioner Stewart reported a meeting was planned with various entities including the engineering firm working with the landfill to resolve the issue.

Commissioner Stewart stated he discussed the possible intercept of Lincoln County's Environmental Gross Receipts Tax revenues for payment on GSWA's loan with Debra Ingle. Commissioner Stewart detailed GSWA's current payment obligation, loan reserves, and the New Mexico Finance Authority's distribution of approximately \$101,000 every six months or \$202,000 annually for loan repayment. Commissioner Stewart stated the EGRT generated revenue from all participating entities was approximately \$277,127 annually and recommended Lincoln County continue to monitor revenues and payments.

Commissioner Stewart additionally reported GSWA paid off two new equipment loans, a new draft of the Joint Powers Agreement was close to completion, weather had delayed completion of GSWA's new compactor site at Sun Valley, and Lincoln County's Solid Waste Clerk would receive a list clarifying residences billable by GSWA in Sun Valley.

15. Approval to Award RFP's:

Ms. Taylor stated current service agreements for heating, air conditioning, electrical, and plumbing services would terminate on June 30, 2016. Ms. Taylor stated Requests for Proposals were posted on June 16, 2016 with agreement effective dates targeted for July 1, 2016.

Ms. Taylor stated sealed proposals were opened on June 21, 2016 and scored by the evaluation committee as follows:

- a) 15-16-12 Heating and Air Conditioning Maintenance Services

TLC Plumbing and Utility	79 Points
Yearout Service	96 Points

b) 15-16-13 Electrical Maintenance Services	
Rideout's Electrical Worx	100 Points

c) 15-16-14 Plumbing Maintenance Services	
Yearout Service	100 Points

Commissioner Stewart suggested reissuing the RFP's to encourage responses from local contractors. Commissioner Stewart expressed concern about response time and additional costs for services from out of area providers.

Ms. Taylor stated the RFP's were appropriately advertised and additional responses were received but the lack of licensure disqualified some contractors.

Attorney Morel noted the contracts were for one year therefore Lincoln County could terminate services with proper notice and reissue the Request for Proposal.

Motion: Award the RFP 15-16-012 to Yearout Service; RFP 15-16-013 to Rideout's Electrical Worx; and RFP 15-16-014 to Yearout Service, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

19. Request to Issue RFP for On-Call Engineering, Surveying and Environmental Services for Various Construction and Road Projects

Ms. Taylor stated on occasion Lincoln County required the services of a professional engineer to assist with design services for certain construction and road projects. Ms. Taylor informed other projects occasionally required surveys tied to property acquisition or environmental studies.

Ms. Taylor discussed Lincoln County's current Request for Proposals for "on call" services for emergency contractors and suggested a similar process for engineering, survey, and environmental services.

Motion: Authorize the Manager to issue a Request for Proposals for certain on call services, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Chair Stone questioned the relationship to current contracts issued to vendors such as King Industries.

Ms. Taylor clarified prior agreements with King Industries for engineering services and Enterprise SZ for environmental studies were specific and limited to particular projects. Ms. Taylor suggested having an RFP for "on call" services was a more efficient process than identifying services for individual projects and seeking bids if necessary.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper.

20. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance

a) Final Budget FY 2016-2017

Motion: Schedule a Public Hearing to consider the Final Budget for Fiscal Year 2016-2017 for the July 19, 2016 Regular Commission Meeting, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper.

21. Approval of Lodger's Tax Applications:

a) Purpose: Lincoln County Cowboy Symposium
Request: \$5000.00
Date(s) of Event: October 7, 8 & 9, 2016

Presenter: Sunny Hirschfeld/Hubbard Museum of the American West Foundation
Lodger's Tax Approved \$2,000.00 Application No.0018

- b) Purpose: Fort Stanton Live
 Request: \$8000.00
 Date(s) of Event: July 9-10, 2016
 Presenter: Dr. Walter Pittman/Fort Stanton Inc.
Lodger's Tax Approved \$4,000.00 Application No. 0015
- c) Purpose: Carrizozo Festival and Artists Tour
 Request: \$2,500.00
 Date(s) of Event: August 13, 2016
 Presenter: Sen Talley/Carrizozo Festival & Artist Tour/Carrizozo Works
Lodger's Tax Approved \$1,000.00 Application No. 0016
- d) Purpose: Ruidoso Christmas Jubilee
 Request: \$2,000.00
 Date(s) of Event: November 11-13, 2016
 Presenter: Paula Bates/Ruidoso Valley Greeters
Lodger's Tax Approved \$1,000.00 Application No. 0017

Motion: Approve the award of funds as recommended by the Lodger's Tax Committee, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Commissioner Allen questioned the ability to increase an award over the recommendation of the Lodger's Tax Committee.

Punkin Schlarb, Finance Director reported the Lodger's Tax Fund had an unencumbered balance of \$9,557 for Fiscal Year 2015 -2016 and an anticipated revenue of \$47,000 for Fiscal Year 2016 -2017.

Commissioner Willard reminded revenues from Lodger's Tax were received incrementally throughout the year and therefore not fully available on day one of the fiscal year.

Commissioner Allen suggested there were funds available to increase the award to Fort Stanton Live based on the timing of other events during the next fiscal year.

Commissioner Willard reported he spoke with Lodger's Tax Committee members and they had no objection to any change in recommendations by the Board of County Commissioners.

Vote: Motion failed (summary: Yes = 2, No = 2, Abstain = 0).

Yes: Chair Stone, Commissioner Stewart.

No: Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper.

Chair Stone recessed the Regular Meeting at 3:15 PM and reconvened at 3:24 PM.

Motion: Table action on Lincoln County Cowboy Symposium Application 0018 and Ruidoso Christmas Jubilee Application 0017; Award Fort Stanton Live Application 0015 \$6,500 and Carrizozo Festival and Artists Tour Application 0014 \$1,500, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Willard

Vote: Motion failed (summary: Yes = 2, No = 2, Abstain = 0).

Yes: Commissioner Allen, Commissioner Willard.

No: Chair Stone, Commissioner Stewart.

Absent: Commissioner Draper.

Motion: Approve the award of funds as recommended by the Lodger's Tax Committee, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Chair Stone.

Vote: Motion passed (summary: Yes = 3, No = 1, Abstain = 0).

Yes: Chair Stone, Commissioner Stewart, Commissioner Willard.

No: Commissioner Allen.

Absent: Commissioner Draper.

22. Consideration of Appointments and Removal from Boards/ Commissioners/ Committees:

- a) Land and Natural Resources Advisory Committee (LANRAC)

Motion: Appoint James Taylor as the LANRAC District 5 member, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Stewart.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper.

b) Lincoln Historic Preservation Board

Motion: Accept Reginald Richey's letter of resignation from the Lincoln Historic Preservation Board, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Chair Stone.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper.

c) Lodger's Tax Committee

Motion: Accept David Vigil's letter of resignation from the Lodger's Tax Committee, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper.

Commissioner Willard reported Sue Hutchison, Chair of the Lodgers Tax Committee requested the Board of County Commissioner seek additional members for the committee in order to sustain the required quorum for meetings.

d) Planning Commission

No action was taken.

e) Senior Citizens Olympic Committee

No action was taken.

23. Authorization to File Liens for Lincoln County Alarm System Ordinance 2011-04 Permit Violations:

Attorney Morel reminded the Lincoln County Alarm System Ordinance 2011-04 required individuals who possess a burglar alarm to purchase a permit from the County of Lincoln and to register and renew it annually. Attorney Morel stated nonpayment or nonrenewal of such a permit constituted a violation of Ordinance 2011-04 and those owners were subject to penalties and the placement of liens on the owner's property. Attorney Morel presented a list of those owners in violation and requested approval for the placement of liens

- a) Omar Gonzalez
- b) McGaugh Family Trust
- c) Kenneth Rice
- d) Lauren Cox
- e) Michael Hufstedler
- f) Angela & Mary Salazar
- g) Jessica I Thomas
- h) Roger Lollar
- i) Charles Welch

Motion: Direct the Attorney to place liens on the properties as indicated, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (**summary:** Yes = 4).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper.

24. Consideration and Approval of FY16-17 Agreement between the County of Lincoln and the Lincoln County Deputy Sheriffs' Association

Ms. Taylor reminded the Lincoln County Deputy Sheriff's Association was the exclusive collective bargaining representative for the Deputy Sheriffs. Ms. Taylor stated the agreement was subject to annual renewal with consideration of requested modifications. Ms. Taylor further stated the agreement provided the Deputy Sheriff's Association the opportunity to accept the general wage and benefit increase provided to non-bargaining unit employees or to open negotiations.

Ms. Taylor stated on June 23, 2016 the President of the Association provided written notification of the Association's formal acceptance of the offer of a 3% COLA increase for the 2016-2017 contract year.

Motion: Approve the FY 2016 – 2017 Agreement with the Lincoln County Deputy Sheriff's Association, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper.

25. Senior Citizen Program- Job Title/Grade Change

Ms. Taylor presented a request to change a job description and duties in the Senior Services Department from the current Custodian Grade 7 to Driver/Clerk/Cook Aide Grade 9. Ms. Taylor reported the Compensation Advisory Board met, reviewed and approved the recommended changes for consideration by the Board of County Commissioners. Ms. Taylor stated Renee Montes, Senior Services Director requested the change to increase efficiency in staffing at the Ruidoso Downs Zia Senior Center.

Motion: Approve the position and grade change to Driver/Clerk/Cook Aide Grade 9, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper.

- a) Approval of FY16-17 Contracts Between the County of Lincoln and North Central New Mexico Economic Development District: Non-Metro Area Agency on Aging:

- 1) Direct Purchase of Services
- 2) Nutrition Service Incentive Program (NSIP)
- 3) Senior Employment Program

Ms. Taylor presented the three contracts to secure state and federal funding for senior services. Ms. Taylor directed attention to the first page of the Direct Purchase of Services' contract containing a list of services which included services Lincoln County does not provide. Ms. Taylor stated Lincoln County's Senior Services Program provided congregate meals, home delivery of meals, and transportation services. Ms. Taylor stated Attorney Morel recommended modification of the contract to limit language to actual services provided with no changes recommended to the other two contracts.

Motion: Approve the FY 2016-2017 contracts with the Non Metro Area Agency granting authority to the Attorney to strike through services not provided by the County, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard.

Absent: Commissioner Draper.

26. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).

Motion: To close the meeting for the purposes of an Executive Session to discuss Threatened and/or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub Paragraph H.(7) and the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8) and as follows:

New or Updated Matters since last report *

1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al. D-1329-CV-2007-01364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18, 2013, and Stipulated Judgment was entered June 4, 2014 in favor of Ms. Cooper. Ms. Cooper filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014. Joint Answer Brief of Defendants-Appellees' Steven Sederwall and Rick Virden with Request for Oral Argument filed in the Court of Appeals Sept. 28, 2015. Case was submitted to a panel of

three judges for decision on February 1, 2016. Memorandum Opinion was filed March 23, 2016 affirming the district court's determination that statutory damages are not available and vacating \$100,000 punitive damages and attorney fee awards. Order filed April 12, 2016 granting Plaintiff's Motion to Extend Time to File Petition for Writ of Certiorari to May 31, 2016. Plaintiff-Appellant Gale Cooper's Petition for Writ of Certiorari filed with the New Mexico Supreme Court May 31, 2016. Defendants' Response In Opposition to Petition for Writ of Certiorari filed June 15, 2016 in the New Mexico Supreme Court.

2. **Water Rights Protests: New Mexico State Engineer Hearing Numbers: 14-039 and 14-041.** Protests of Applications 01300-1, 01300-2, 01300-3, 0826-2 into 0275 *et. al.* and H-272 *et al* (T) and H-50-1 into H-272 *et. al.* (T) filed July 15, 2013 pertaining to movement / transfer of water rights from the Hondo Valley to the Village of Ruidoso and the City of Ruidoso Downs. Docketing Order filed Sept. 18, 2014. Kelly Cassels/Sanders, Bruin, Coll & Worley, P.A. has been retained by the County, entered his appearance Sept. 22, 2014 and has responded in behalf of the County.

3. **Wesmax, Ltd. V. Paul Baca, Lincoln County Assessor D-1226-CV-2014-00188** Appeal of the Final Order from Lincoln County Valuation Protest Board. Appeal filed Oct. 8, 2014. Case assigned to Basham & Basham/Dwyer. Record of Appeal and Transcript of Proceedings was filed Oct. 23, 2014.

4. **A. Preston, DeAnna v. County of Lincoln, Sheriff Robert Sheppard, Et. Seq. D-1226-CV-2015-00112** Notice of Appeal of Post Disciplinary Hearing filed June 10, 2015. Amended Complaint alleging Civil Rights Violation and Gender Based Discrimination filed on Oct. 13, 2015. Removed to Federal Court Nov. 12, 2015. Amended Complaint Appealing the Adverse Administrative Decision filed May 9, 2016 by Mr. Beauvais. Defendant's Notice of Filing Petition for Removal to Federal Court was filed May 19, 2016.

B. Preston, DeAnna v. County of Lincoln, Sheriff Robert Sheppard, Et Seq In the United States District Court For The District of New Mexico 2:15-cv-01029. Defendants County of Lincoln and Sheriff Robert Sheppard's Motion to Dismiss entered November 19, 2015. Order Dismissing Without Prejudice entered by Judge Stephan Vidmar April 19, 2016. Amended Complaint Civil Rights Violation filed May 6, 2016 by Mr. Beauvais.

5. **Orlando Montes v. Pinnacle Propane, LLC, Allen Sultemeier, County of Lincoln, Lincoln County Fair Association, John Does; D-1226-CV-2016-00006 United States District Court for the District of New Mexico 2:16-cv-126.** Complaint for Wrongful Death, Statutory Tort, Violation of Constitutional Rights (Due Process), Negligence Per Se: Loss of Consortium, Negligent Infliction of Emotional Distress filed with the 12th Judicial District Court Jan. 19, 2016. Incident occurred at Lincoln County Fairgrounds July 2, 2015. County was served with Complaint on January 25, 2016. The case was removed to Federal Court Feb. 22, 2016. County of Lincoln's Answer to Complaint filed February 29, 2016.

6. **Walter Ray Seidel / Brian Ray Seidel v. Anthony Manfredi, Lincoln County Sheriff Department M-32-CV-2016-00036** Civil Complaint filed March 9, 2016 alleging personal and property damage. County of Lincoln's Answer to Civil complaint filed March 29, 2016.

7. **State of N.M. (NMDOT) v. Neria, et al D-1226-CV-2002-00129** Complaint for Condemnation filed June 10, 2002 by the New Mexico Department of Transportation requesting a Court Order granting NMDOT the fee simple title to certain real property as is necessary for "highway purposes." Order of Dismissal for Lack of Prosecution was entered July 5, 2005. NMDOT submitted a proposed Motion to Vacate Order of Dismissal and Reinstate Case on May 4, 2016 which was not opposed.

8. ***Sean McGarry v. Board of County Commissioners, Lincoln County Sheriff's Department, Deputy Mike Wood, Deputy Jason Green, Deputy David Hightower in their individual capacities and as employees of the Lincoln County Sheriff's Department in the United States District Court for the District of New Mexico 2:16-cv-00483 GBW GJF** Complaint for damages resulting from the excessive use of force, false arrest, assault and battery, malicious prosecution and false imprisonment of Plaintiff by Defendants. Complaint filed May 26, 2016.

9. ***Property Owners' Committee of Rancho Ruidoso Valley Estates, Inc., Plaintiff v. Y'Hoshua Cohen and NM Dept. of Workforce Solutions, Defendants v. Property Owners' Committee of Rancho Ruidoso Valley Estates, Inc. et. al. and Lincoln County Solid Waste Authority, Third Party Defendants: D 1226-Cv-2015-00217.** Summons improperly served on Lincoln County June 16, 2016, which was for Lincoln County Solid Waste Authority, also known as Greentree Solid Waste Authority.

Lincoln County Ordinance Violations:
Alan P. Morel: 12th Judicial District Attorney's Office
Special Prosecutor

10. ***State of NM v. Blaylock, Gregory M-30-MR-2016-00016** Violation of County Ordinance 2014-04: Contraband at Lincoln County Detention Center. Non-Traffic citation was filed in Carrizozo Magistrate Court on February 10, 2016. A misdemeanor arraignment took place February 12, 2016 when the Defendant pled "Not Guilty." Defendant represented by Public

Defender's office. Pre Trial Hearing was scheduled for March 29, 2016 but due to Defendant's automobile accident March 28, a reset was scheduled for April 12, 2016 at which time Defendant failed to appear. A Bench Warrant has been issued by the court for failure to appear. A Pre-Trial Hearing is scheduled June 7, 2016 at 9 a.m. on a trailing docket before Judge Mickie Vega. Defendant failed to appear and a Bench Warrant was issued June 7, 2016. A Bond-Forfeiture Hearing is scheduled for July 7, 2016 in Carrizozo Magistrate Court.

11. ***State of NM v. Sandoval, Andrew D. M-30-MR-2016-00042** Violation of County Ordinance 2008-08: Animals running at large. Criminal Complaint filed March 31, 2016 in Carrizozo Magistrate Court. First Appearance hearing took place April 20, 2016 where the Defendant pled "Guilty" and was found Guilty. Sentencing Hearing took place May 24, 2016 9 a.m. on a trailing docket before Judge Mickie Vega. Assistant District Attorney Stephen Ochoa appeared on behalf of Mr. Morel due to an unavoidable conflict. Prosecution was unable to confirm that appropriate payment had been made by Defendant to the victim in this case and the case has been reset for Sentencing Hearing July 5, 2016. It has since been confirmed that the victims have been reimbursed.

12. ***State of NM v. Polacio, Christine M-32-MR-2016-00168** Violation of County Ordinance 2008-08: Animals running at large-barking dogs. Non-Traffic citation was filed in Ruidoso Magistrate Court May 10, 2016. A misdemeanor arraignment occurred June 6, 2016: 1 p.m. at which time the Defendant pled "No Contest" to the charge and was found guilty. Defendant received a deferred sentence, 90 days unsupervised probation and court costs of \$73. Judgment and Sentence was filed June 6, 2016.

13. ***State of NM v. Silva, Marcello Jr. M-30-MR-2016-00062**: Violation of County Ordinance 2014-04: Transportation or Possession of Contraband into/in Lincoln County Detention Center. Criminal Complaint prepared by Sheriff's Deputy Terry Caldwell and filed in Ruidoso Magistrate Court May 25, 2016. Misdemeanor Arraignment took place May 27, 2016 before Judge Mickie Vega where the defendant plead "guilty" and bond was set for \$500 cash or Surety. Notice of Sentencing Hearing filed May 27, 2016, setting the Sentencing Hearing before Judge Vega for June 28, 2016 on a Trailing Docket.

14. ***State of NM v. Marmolejo, Noe**: case number not assigned as of June 21, 2016) Violation of County Ordinance 2008-08: Animals running at large. Non-Traffic citation was filed in Ruidoso Magistrate Court by Sheriff's Sgt. Beard June 17, 2016.

15. ***State of NM v. Widener, Randel M-30-MR-2016-00080** Violation of County Ordinance 2004-05: Unauthorized Structure in Lincoln. Non-Traffic citation was issued by Sheriff's Sgt. Warren June 15, 2016 with a court appearance date before Judge Mickie Vega on or by June 30, 2016 at 10 a.m.

16. ***State of NM v. Mendoza, Almee M-30-MR-2016-00077** Violation of County Ordinance 2008-08: Animals running at large. Non-Traffic citation was issued by Sheriff's Sgt. Warren June 12, 2016 with a request for a Court-issued Summons to the Defendant. An Arraignment Hearing before Judge Mickie Vega is schedule to take place July 13, 2016 at 1 p.m.

17. ***State of NM v. Nava, Gabriel M-30-MR-2016-00081** Violation of County Ordinance 2014-04 Prohibited Contraband in Lincoln County Detention Center. Non-Traffic citation was issued by Sheriff's Stg. Warren June 13, 2016. A Misdemeanor Arraignment took place June 20, 2016 at which time Defendant pled "not guilty." A Pre-Trial Hearing is scheduled for July 12, 2016 which Attorney Morel has requested to be continued due to an unavoidable scheduling conflict.

Tort Claims Notices Received or Threatened

2016

Rains, Bonnie – Tort Claim Notice received January 18, 2016 alleging failure of the County of Lincoln to maintain road surfaces during snow or ice conditions.

Brazel, Stephanie – Tort Claim Notice received January 20, 2016 alleging injuries incurred due to Claimant stepping in an alleged uncovered water meter hole at 2801 Sudderth Drive, Ruidoso, NM.

Hill, Walter – Tort Claim Notice received March 8, 2016 via emailed correspondence from Mr. Hill alleging the unlawful disclosure of confidential information from Mr. Hill's Lincoln County personnel file.

Sonora Corporation (John Russell-CEO)-Tort Claim Notice received April 6, 2016 via correspondence from Mr. Russell in response to a Notice of Investigation from NM Construction Industries Division due to an alleged lack of final inspection and deviation from approved plans of construction in 2012 at 119 Bald Eagle Court, Alto, NM.

Jaramillo, Monica – Tort Claim Notice received April 8, 2016 alleging Lincoln County road department employee in the performance of his road grading duties damaged Ms. Jaramillo's vehicle.

Wagoner, John – Tort Claim Notice received April 12, 2016 via telephone call to Mr. Morel's office when Mr. Wagner threatened suit against Lincoln County with respect to alleged accumulation of garbage at property on Highway 70.

Steward, Tynell – Tort Claim Notice received April 18, 2016 alleging abuse while incarcerated in Lincoln County Detention Center.

Coleman, Chad – Tort Claim Notice received April 25, 2016 alleging warrantless search and seizure and malicious prosecution.

***Parsons-Williams, Karen** – Tort Claim Notice received June 2, 2016 alleging negligent or malicious medical procedure performed at Lincoln County Medical Center on March 9, 2016.

2015

Cherry, Doris – Tort Claim Notice posted in Lincoln County News Jan. 1, 2015 stating possible Civil Rights Violation lawsuits regarding alleged Americans with Disabilities Act non-compliance in remodeling the Lincoln County Courthouse buildings.

McDaniel, Carl – Tort Claim Notice received Jan. 23, 2015 from Attorney John Sugg alleging violation of the Unfair Trade Practices Act and engaging in unfair or deceptive trade practices and/or unconscionable trade practices by GSWA.

Sehorn, Sean M. – Tort claim Notice received March 2, 2015 from Attorney Gary Mitchell alleging Lincoln County Detention Center failed to provide adequate medical treatment during inmate Sehorn's incarceration.

Lavin, Erica L. and Rathgeber, Jack – Tort Claim Notice received March 2, 2015 from Attorney Gary Mitchell alleging Constitutional Rights were violated resulting in wrongful termination.

Hanley, Constance – Tort Claim Notice received March 20, 2015 from Attorney John Sugg alleging violations of 42 USC section 1983, malicious prosecution, failure to investigate, defamation of character, libel and abuse of process.

Capitan Iron Mine through A. Blair Dunn – Threatened Litigation on April 1, 2015 against the County of Lincoln should Lincoln County require Capitan Iron Mine comply with Lincoln County Mine Ordinance 2009-01.

Chavez, Billy – Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and Litter in the County. March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-10S, Range 16E, tract of land lying in the NE 4SE4). April 10, 2015 the property was inspected and noted no progress had been made.

Culp, Susan v. LCMC/Lincoln County: Tort Claim Notice received May 4, 2015 from Attorney Katherine Channing Roehl/Roehl Law Firm alleging medical malpractice, negligent supervision, negligent credentialing by staff, administrators and doctors at LCMC on or about March 3, 2015 during Ms. Culp's gall bladder removal surgery.

Reyes, Roberto – Tort Claim Notice received May 15, 2015 from Attorney Timothy White/Valdez White Law Firm alleging illegal seizure, illegal search, illegal imprisonment and wrongful conduct of the Lincoln County Sheriff's Department.

Torres, Leopoldo: Tort Claim Notice received June 4, 2015 from inmate Torres alleging inmate-initiated attack on inmate Torres at Lincoln County Detention Center.

Wallace, Stephen: Tort Claim Notice received June 11, 2015 from Attorney Gary Mitchell alleging deprivation of Constitutional rights due to false incarceration at Lincoln County Detention Center without proceeding with a timely extradition.

Rodriguez, Victor – Tort Claim Notice received July 13, 2015 from Attorney W. Chris Nedbalek alleging hostile treatment from fellow employees while employed at Lincoln County Detention Center.

Prudencio, Fabian and Corinne – Tort Claim Notice received July 24, 2015 from Attorney Daniel P. Ulibarri alleging negligence, personal injury, spoliation, indemnification and property damage against the County of Lincoln.

Yates, Barbara – Verbal Threat against the County issued July 21, 2015 due to ongoing flooding at her private property.

Davis, Jack and Rema – Verbal Threat against the County issued July 21, 2015 due to ongoing flooding at their private property.

Capitan Iron Mine – Tort Claim Notice received Sept. 24, 2014 via email from A. Blair Dunn, alleging County trespass on private property.

L. Phillip Onsrud – Tort Claim Notice received Nov. 3, 2015 via email alleging lack of medical care while incarcerated in Lincoln County Detention Center.

Brown, Shelly – Tort Claim Notice received December 31, 2015 alleged failure of the County of Lincoln to maintain road surfaces during snow or ice conditions.

2014

Ogden, John D – Tort Claim Notice received May 26, 2014 alleging mistreatment while incarcerated at Lincoln County Detention Center on March 11, 2014.

Rounds, Christopher – Tort Claim Notice received June 4, 2014 alleging being held in Lincoln County Detention Center without being advised of his charges.

Herbert, Crystal – Tort Claim Notice received June 23, 2014 from Attorney Matthew Coyte/Coyte Law alleging false imprisonment, due process violations, unlawful detention of a minor, emotional distress.

Class Action – Tort Claim Notice received June 23, 2014 from Attorney Ryan Villa/Cooper Law Firm alleging false imprisonment, false arrest, deprivation of rights at Lincoln

County Detention Center that arise with Immigration and Customs Enforcement charges.

Atwell, Stacey – Tort Claim Notice received June 25, 2014 alleging unlawful seizure of her two minor children during a request for a deputy to assist in keeping the peace.

Ramos, Aaron – Tort Claim Notice received August 7, 2014 alleging lack of Due Process for inmates at Lincoln County Detention Center.

Lambert, David and Bonnie - Tort Claim Notice received Sept. 8, 2014 from Attorney W. Chris Nedbalek alleging damage to Lambert property due to Mr. Rodney Bunsen using his own equipment to alter a platted County right of way without the authorization or knowledge of the County.

Caughron, Brittany and Anderson, Amie – Tort Claim Notice received Oct. 24, 2014 by Attorney W. Chris Nedbalek alleging overcrowding of Lincoln County Detention Center as a violation of 8th Amendment Rights.

Ryen, Allen - Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek alleging Mr. Ryen was exposed to unsanitary conditions at Lincoln County Detention Center.

Inmate Group – Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

Caughron, Brittany and Anderson, Amie – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging inadequate medical care and overcrowding at Lincoln County Detention Center.

Inmate Group – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

Long, Cameron – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging mistreatment by an Officer with Adult Probation and Parole.

McClarnon, Brian – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging violations of U.S. Constitutional Amendment rights.

Diana Martwick, 12th Judicial District Attorney – Tort Claim Notice received Nov. 25, 2014 alleging lack of adequate office space provided by the County of Lincoln.

Inmate Group – Tort Claim Notice received Dec. 22, 2014 by attorney W. Chris Nedbalek alleging inmates were mistreated at Lincoln County Detention Center.

2013

Harrisburg Documents- Attempts to recover Lincoln County documents illegally taken from the County. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in recovery efforts.

Action: Approve, **Moved** by Commissioner Willard, **Seconded** by Commissioner Allen.

Vote: Motion carried by roll call vote (**summary: Yes = 3, No = 1, Abstain = 0**).

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Willard.

No: Chair Stone.

Absent: Commissioner Draper.

Chair Stone recessed the Regular Meeting and convened the Closed Session at 3:43 PM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 5:03 PM.

Commissioner Willard attested that matters discussed in the closed meeting were limited to those specified in the motion for closure or in the notice of separate closed meeting.

27. Signing of Official Documents

28. Next meetings:


Regular Commission Meeting - July 19, 2016

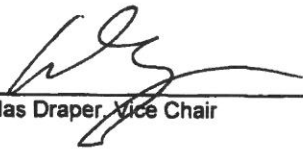
Regular Commission Meeting - August 16, 2016

29. Adjourn

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 5:04 PM.

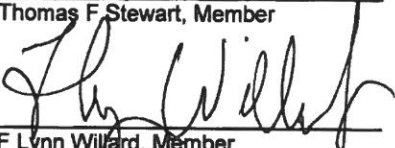
County of Lincoln
Board of County Commissioners


Preston Stone, Chair


Dallas Draper, Vice Chair


Elaine Allen, Member


Thomas F. Stewart, Member


F. Lynn Willard, Member

ATTEST:


Rhonda Burrows, County Clerk

July 19, 2016
Date Approved

